

Highly Confidential - Attorneys' Eyes Only

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,)
 Plaintiff,)
vs.) No. CV 10-03561 WHA
GOOGLE, INC.,)
 Defendant.)

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VIDEOTAPED DEPOSITION OF HASAN RIZVI
THURSDAY, JULY 28, 2011

REPORTED BY:
JANIS JENNINGS, CSR 3942, CLR, CCRR

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<p>1 further discussions?</p> <p>2 A. I don't remember the exact words, but the</p> <p>3 third discussion itself was, like I said, a</p> <p>4 non discussion. There was nothing really to</p> <p>5 discuss, so as we left the meeting, there wasn't</p> <p>6 anything scheduled as a follow up.</p> <p>7 Q. Did Mr. Rubin say anything at that third</p> <p>8 meeting to indicate to Oracle that Google was no</p> <p>9 longer interested in discussing a potential business</p> <p>10 solution?</p> <p>11 A. Again, I don't remember the exact words,</p> <p>12 but the I don't remember the exact words, no.</p> <p>13 Q. Did Mr. Rubin give any indication, verbal</p> <p>14 or otherwise, that Google was not interested in</p> <p>15 continuing the discussions after that third meeting?</p> <p>16 A. From what I recall, he said this is</p> <p>17 again, not necessarily his words, but the</p> <p>18 implication was that this is a non starter, there is</p> <p>19 really nothing to discuss given the range of the</p> <p>20 business that we are talking about. That's the</p> <p>21 that's the recollection I have.</p> <p>22 Q. Do you mean that he suggested that it was</p> <p>23 a non starter for Google to compensate Oracle in the</p> <p>24 range of \$300 to \$500 million?</p> <p>25 A. That's</p> <p style="text-align: right;">Page 170</p>	<p>1 A. Yes.</p> <p>2 Q. Who is that?</p> <p>3 A. That is that privileged?</p> <p>4 MR. NORTON: Do you mind if we take a</p> <p>5 short break?</p> <p>6 MR. PURCELL: Sure.</p> <p>7 BY MR. PURCELL:</p> <p>8 Q. I mean, just so it's clear, I'm not asking</p> <p>9 anything Oracle's lawyers might have told you. But</p> <p>10 if you learned of the fact of a meeting between</p> <p>11 Google and Oracle about a certain subject, the fact</p> <p>12 of the meeting between Google and Oracle isn't</p> <p>13 privileged.</p> <p>14 MR. NORTON: I I think he's already</p> <p>15 answered that question, though. On to another</p> <p>16 question about the substance of the communication,</p> <p>17 if there if there was one, so</p> <p>18 MR. PURCELL: Well, it would be the</p> <p>19 substance of the communication between Google and</p> <p>20 Oracle, which isn't privileged. That's all I want</p> <p>21 to know.</p> <p>22 MR. NORTON: Again, I just don't think</p> <p>23 that was the question.</p> <p>24 MR. PURCELL: Okay. Well, let me ask</p> <p>25 let me ask the question, then.</p> <p style="text-align: right;">Page 172</p>
<p>1 MR. NORTON: Objection to form.</p> <p>2 You can answer.</p> <p>3 THE WITNESS: Yeah. That's kind of the</p> <p>4 way I remember it, yeah.</p> <p>5 BY MR. PURCELL:</p> <p>6 Q. Did Mr. Rubin suggest a different range in</p> <p>7 which Google might be willing to compensate Oracle?</p> <p>8 A. Not that I remember, no.</p> <p>9 Q. Did Oracle attempt to make any follow up</p> <p>10 with Mr. Rubin after the third meeting prior to the</p> <p>11 filing of this lawsuit?</p> <p>12 A. I don't know about Oracle, but I didn't.</p> <p>13 Q. Are you aware of anyone else from Oracle</p> <p>14 following up with Mr. Rubin about a potential</p> <p>15 business solution prior to this lawsuit being filed?</p> <p>16 MR. NORTON: Objection to form.</p> <p>17 THE WITNESS: With Mr. Rubin, no. I'm</p> <p>18 not I don't know who it would I don't know if</p> <p>19 anybody followed up with Mr. Rubin.</p> <p>20 BY MR. PURCELL:</p> <p>21 Q. Are you aware from of strike that.</p> <p>22 Are you aware of anybody at Oracle</p> <p>23 following up with anybody at Google regarding a</p> <p>24 potential business solution prior to this lawsuit</p> <p>25 being filed?</p> <p style="text-align: right;">Page 171</p>	<p>1 BY MR. PURCELL:</p> <p>2 Q. Are you aware I think you already said</p> <p>3 you are aware of communications between Oracle and</p> <p>4 Google after the third meeting you had with</p> <p>5 Mr. Rubin about a potential business solution;</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. What what was discussed at that meeting</p> <p>9 between Oracle and Google?</p> <p>10 A. I don't know.</p> <p>11 MR. NORTON: Objection. To the extent</p> <p>12 that your knowledge of the contents of that</p> <p>13 meeting to the extent you know that only from</p> <p>14 communications with attorneys, then I'm going to</p> <p>15 assert the privilege and ask you not to answer that</p> <p>16 question.</p> <p>17 MR. PURCELL: Counsel, I don't want to</p> <p>18 argue with you in detail, but I just think that</p> <p>19 instruction is overbroad. If he learns of a</p> <p>20 nonprivileged fact through a lawyer, that doesn't</p> <p>21 make the fact privileged. And all I'm trying to ask</p> <p>22 for is the nonprivileged fact regarding the</p> <p>23 communications between Google and Oracle.</p> <p>24 MR. NORTON: Let's take a break and I can</p> <p>25 see if I can</p> <p style="text-align: right;">Page 173</p>

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